

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|---------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. |
| | : | 19-CR-356 |
| v. | : | |
| ANDREW BERKOWITZ | : | |
| | : | |

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
FOR DEFENDANT, ANDREW BERKOWITZ**

AND NOW, comes Marc Neff, Esquire, filing the within Motion for Leave to Withdraw as Counsel for Defendant, Andrew Berkowitz, and states as follows:

1. The defendant was indicted on or about June 25, 2019 and that Indictment was sealed. It was unsealed on June 27, 2019 and the defendant appeared on that day before Magistrate Judge Lynn A. Sitarski.
2. The undersigned attorney took over from prior counsel due to a conflict issue.
3. Counsel herein has diligently represented the defendant since entering an appearance on September 25, 2019.
4. On January 24, 2020, the defendant entered a guilty plea before this Honorable Court.
5. There are no motions pending and sentencing is scheduled on May 14, 2020.
6. The defendant is incarcerated at the Federal Detention Center.
7. The defendant has discharged counsel herein. (See Generally, Pa.R.P.C. 1.16 (a)(3))
8. The attorney-client relationship is irretrievably broken.
9. The client insists on taking action that the lawyer considers repugnant and with which the counsel herein had a fundamental disagreement (Pa.R.P.C. 1.16 (b)(4)).

10. The defendant has been advised that due to irreconcilable differences and that the undersigned would be petitioning the Court for leave to withdraw as counsel.
11. The withdrawal can be accomplished without material adverse effects on the interests of the client (Pa.R.P.C. 1.16 (b)(1)).
12. The client has indicated that he is in the process of obtaining new counsel.
13. Counsel for the Government has advised that they take no position on the motion.

WHEREFORE, Marc Neff, Esquire, respectfully requests that this Court grant his Motion for Leave to Withdraw as Counsel for Defendant, Andrew Berkowitz.

CONSENTED TO:

(Counsel is unable to obtain client's signature due to the indefinite lock down at the Federal Detention Center due to the COVID-19 pandemic.) The Defendant was notified of the filing of this motion by regular mail, UPS, and email.

Andrew Berkowitz
USM No. 77307-066
FDC Philadelphia
Federal Detention Center
P.O. Box 562
Philadelphia, PA 19105

Respectfully submitted:

/s/ Marc Neff
Marc Neff, Esquire
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CERTIFICATION OF SERVICE

I, Marc Neff, Esquire, Counsel for Defendant, do hereby certify that on this day of February 2020, I electronically filed the attached document (Motion for Leave to Withdraw as Counsel For Defendant, Andrew Berkowitz) with the Clerk of the District Court using CM/ECF, which will send notification of the filing to the following registered participants:

M. Beth Leahy, Esquire
Assistant United States Attorney
United States Attorney's Office
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106-4476

/s/ Marc Neff

Marc Neff, Esquire
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Philadelphia, PA 19109
(215) 563-9800
Email: marc@neffsedacca.com
Attorney for Defendant, Andrew Berkowitz

Date: April 1, 2020